

FIRST SET OF INFORMATION REQUESTS OF THE CITY OF SALEM

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Pursuant 220 CMR §1.06(6)(c), the City of Salem (“Salem”) submits to New England Power Company (“NEP” or “Company”) the following Information Requests:

**General**

- SALEM 1-1 Please identify each of the alternative locations NEP identified for the project before locating the project in Salem and identify the rankings for each individual alternative facility.
- SALEM 1-2 For each of the locations identified in SALEM 1-1, please provide the following: (1) All reports, memoranda, correspondence of any kind related to each location that discusses, refers, or mentions the location as a potential site for the project; (2) All reports, memoranda, correspondence relating to the economic analysis conducted for each location that led to the conclusion that the site was not economically viable include all reports generated by outside consultants; (3) All surveys conducted at each location; (4) All documents related to ownership of each location; (5) All documents pertaining to tax payments made for each location; and (6) All notes, minutes, calendars, and other documents relating to each meeting held to discuss locations for siting the project including each attendee and their position and a brief description of their role in the siting analysis and selection process.
- SALEM 1-3 In extensive ongoing negotiations as recently as late 2003 with the City of Salem pertaining to the value of the facility and renegotiation of existing tax agreements, representatives of NEP never disclosed to the city the plans that are the subject of this petition or any plans or intentions for improvements to the facility that would impact local zoning or current assessments of the value of the facility. Why was this important and relevant information not shared with the city? Is it the contention of the Company that it was unaware of these plans as late as fall of 2003?
- SALEM 1-4 In light of Salem 1-3, does the Company have any other plans for this facility, either under discussion or in development that it has not shared with the city to date?
- SALEM 1-5 Reference to testimony of John W. Martin (“Martin”) dated December 1, 2003. In response to Question 14, Martin states: “The proposed solution was chosen over the alternatives based on economics, reliability, and environmental factors.” Please describe in detail each economic factor, reliability factor, and environmental factor analyzed by the Company for each location identified in Salem 1-1. Please provide all documents, including economic data, reliability data, and environmental reports conducted for each location identified in Salem 1-1.
- SALEM 1-6 Reference to Salem 1-5. Please describe in detail each economic factor, reliability factor, and environmental factor analyzed by the Company for the Salem site. Please

provide all documents, including economic data, reliability data, and environmental reports conducted for the Salem site.

- SALEM 1-7 Reference to Salem 1-5 and Salem 1-6. Compare and contrast the data and information in both of the above questions and describe in detail how each factor was weighed in the final decision to site the project in Salem. Please include in your answer how that weighing factored into the final decision to site the project in Salem, and include all documentation supporting that conclusion.
- SALEM 1-8 In response to Question 14, Martin describes two alternatives each involving the Salem facility. Please describe in detail all alternatives studied that do not involve the facility in Salem. Please include all facilities cited in Salem 1-1.
- SALEM 1-9 What facility outside Salem was NEP's second choice? Please describe in detail what economic, environmental, or reliability factor that prevented siting at this site.
- SALEM 1-10 What facility outside Salem was NEP's third choice? Please describe in detail what economic, environmental, or reliability factor that prevented siting at this site.
- SALEM 1-11 What local officials were consulted during the citing process? If none, please explain why local officials were not included in the process.

### **Need**

- SALEM 1-12 Reference to testimony of John W. Martin ("Martin") dated December 1, 2003 Answer to Question 12: What does the sentence "These are being handled by system modifications outside the scope of this filing" mean when referencing "studies showed the several facilities on the North Shore transmission loop would become loaded above their capabilities."
- SALEM 1-13 In Martin response to Question 12, what were the "various contingency conditions tested?" Please provide all documents and data referring to such contingency testing.
- SALEM 1-14 In Martin response to Question 12, "Without this support, the system voltage would be less than desired." What does the term "less than desired" mean? Are there objective criteria to establish what is "desired?" Please provide all supporting documentation to explain this terminology in detail.
- SALEM 1-15 Does the ISO have a set of criteria to establish what is "desired" as per Salem 1-14? If so, with specific reference to the criteria, in what ways do the Company's criteria and ISO's criteria differ?
- SALEM 1-16 In Martin response to Question 12, "loadflow studies showed the Salem Harbor Station provides approximately 135 MV Ar of reactive support equivalent to a nominal 126 MV Ar at 115 kV under all lines in conditions to maintain the desired 119kV transmission voltage schedule." If Salem Harbor Station units 1, 2, 3, and, 4 remain in operation, and therefore continue to provide the above reactive support, is it correct that the system voltage would not be "less than desired?" If that inference

is not correct, please provide in detail all documentation, data, and reports that explain why this is not the case.

- SALEM 1-17 If Salem Harbor Station 1-4 continues to operate, what is the earliest date that you would no longer be meeting the reliability criteria discussed above? Please provide all studies that support your answer.
- SALEM 1-18 In Martin response to Question 12, “These results show that system voltages would be less than desired with no reactive support at the Switchyard, either from generating units or other sources.” In light of ISO’s recent decision on Salem Harbor’s 18.4 petition, namely that Salem Harbor Station could not retire, under what circumstances do you anticipate a loss of “reactive support”?
- SALEM 1-19 In Martin response to Question 12, “These results show that system voltages would be less than desired with no reactive support at the Switchyard, either from generating units or other sources.” Other than your proposed project, what “other sources” do you anticipate in that statement could be made available to address the system voltage issue you raised in the absence of generating units?
- SALEM 1-20 In response to Question 12, Martin suggests an instance under the “worst case contingency.” Please explain in that example what the resulting Switchyard voltage would be under each of the “various contingency conditions tested” as referenced in the paragraph earlier by Martin in response to Question 12.
- SALEM 1-21 In Martin response to Question 12, “modifications at other points on the North Shore transmission system which NEP intends to pursue in a separate filing.” Please briefly describe the “other modifications” referred to in this response and describe in detail how each such modification will affect the need for this project assuming the retirement of Salem Harbor Station. Please also describe in detail how such modifications will impact the need for this project if operations are maintained at Salem Harbor Station.

### **Community Impact**

- SALEM 1-22 Reference to testimony of Robert Fougere (“Fougere”) dated December 1, 2003. We note that his amended answers to Question 8 indicate that NEP now plans to comply with the work hours as prescribed by the Salem Code of Ordinances. However, his response still indicates “at times, it may be necessary to work outside of these time periods in order to minimize critical electrical outages during construction.” Please explain this in greater detail. What time periods beyond the legally prescribed work hours in Salem do you anticipate working? How long do you anticipate working outside legal work hours in Salem? What type of work will be conducted during these times? What impacts, noise and traffic in particular, will be caused by work outside the legal work hours in Salem? How often do you anticipate periods of work “outside these times”?

- SALEM 1-23 Reference to testimony of F. Paul Richards (“Richards”) dated December 1, 2003. Richards states that the facility is located on “Fort Street, the main thoroughfare.” Note it is Fort Avenue. Similarly “Webb Avenue” is Webb Street. Given these obvious errors, what actual studies have been done by your Company regarding the impact on the neighborhood? Please provide a copy of the study of the neighborhood impact of the project.
- SALEM 1-24 Reference to Richards, we understand that he has amended his testimony to reflect that the footprint of the facility will be more than 28,000 square feet (instead of 7,000 square feet), which brings it above the 10,000 square foot threshold for site plan review in Salem. In light of the quadrupling of the size of the footprint, please recalculate your description of the distance to: (1) the neighboring residential properties; (2) the distance to the lot line; (3) the distance to the adjacent sewer treatment plant; (4) the distance to the oil tank field; and, (5) the distance to the Bentley Elementary School.
- SALEM 1-25 Reference to Richards, in light of the more accurate square footage, this project is above the threshold for site plan review in Salem. Are there any other permits (local, state, or federal) that are now required considering the accurate size of the project?
- SALEM 1-26 Reference to Richards, page 4 (Existing Conditions) and page 5 (Impact Assessment), in sections entitled “Public Safety Considerations,” states “Public safety is assured because power plant site is vehicular and pedestrian access controlled by a manned guard house.” However, this is incorrect, as vehicular and pedestrian access to the parking lot, the construction area, and the proposed expanded switchyard itself may be obtained *without* passing by a manned guardhouse. Considering this fact, what is your plan to immediately secure your transmission site? Given this obvious miscalculation, how secure is the facility and who conducted the public safety review that led to this serious miscalculation?
- SALEM 1-27 In light of the heightened terrorism concerns and recent disclosure of possible threats against the Everett LNG facility (another critical infrastructure site on the waterfront), as well as your recently approved Automation Project, which will leave the Switchyard unmanned, what security plan will you put in place to protect the facility, the power grid, and the city?
- SALEM 1-28 The Company has frequently mentioned security concerns at its facilities in discussions with city of Salem officials to prevent development projects from going forward. For example, the Company’s long-standing opposition, due to perceived security issues, has prevented the city from constructing a public walkway for a low-income neighborhood because a small portion of it passes 20 feet from the company’s Peabody Street substation, a site much smaller than the one as Salem Harbor Station. Considering the Company’s long-standing opposition to public access and development abutting its property for security reasons, in the unlikely event that Salem Harbor Station be retired and the City therefore need to seek to redevelop that site: (1) what additional security measures would NEP take to protect the switchyard facilities? (2) what additional protective measures – including but not limited to buffer zones, protective structures, access limitations – would NEP

propose to maintain security and reliable operation? (3) what distance from the switchyard fence would NEP consider acceptable for new residential, commercial, open space, and or industrial uses? (4) what redevelopment uses would the company consider incompatible directly abutting the 115kV switchyard facility? (5) with specific reference to potential new multi-story structures, how would you prevent debris, etc., from upper stories from falling onto the switchyard and disrupting the system?

- SALEM 1-29 In response to DTE Information Request 1-21, NEP says “the approximate noise levels associated with construction are expected to range from 70dBA to 120 dBA.” According to the Federal Interagency Committee on Noise Technical Report Table B.1 (“Sound levels 9dB and relative loudness of typical noise sources in indoor and outdoor settings”), the 120dBA level is “uncomfortably loud” and the equivalent to a “Military jet aircraft take-off from aircraft carrier with after burn at (a distance of) 50 feet.” According to the National Institute for Occupational Safety and Health (1998), at 110 dBA, “the maximum exposure time is one minute and 29 seconds” before hearing loss will occur. According to a study of decibel levels at Temple University’s CETP, 120 dBA is considered the “Human Pain Theshold.” Given this information, how long do you propose that the noise levels from your construction will be at this dangerously deafening level? What steps, beyond the natural shrub buffers you have cited, are you taking to mitigate the noise impact? In addition, provide all relevant data and studies on the effect that this level dBA will have on the elementary school children at the neighboring Bentley Elementary School.
- SALEM 1-30 In your response to Information Request DTE 1-22, “it is anticipated that the project noise will be subsumed into the existing noise environment.” Who will monitor this? If your ‘anticipation” is not correct, and project noise is not “subsumed into existing noise environment,” what types of mitigation would you propose? On what report or expert review did you base your “anticipation?” Please provide relevant documentation.
- SALEM 1-31 When will construction begin at the site and what is the duration of the construction? What factors might cause the construction period to go longer than anticipated (weather, Salem Harbor Station operating schedule, etc.)?
- SALEM 1-32 How many construction vehicles and what types of construction vehicles will be entering the site each day during construction?
- SALEM 1-33 What is the size of the equipment that will be brought to the site? Will any of the equipment be of a size or volume that would require any local roadways be impacted?
- SALEM 1-34 What is the impact to local and regional traffic relating to the project before, during, and after construction? Please provide all relevant traffic studies you have completed on this matter.
- SALEM 1-35 What roadways will be used for construction vehicles, equipment deliveries, and construction employee vehicles to travel to the site? What impact on both traffic

and the physical state of the roadways will this traffic have? What alternative routes have you identified to and from the site during construction if there is a negative impact to the City on proposed routes?

- SALEM 1-36 During what times of the day will construction-related deliveries occur? Can they be scheduled for off-peak traffic times?
- SALEM 1-37 What is the height of the proposed facility and can it be seen from Fort Avenue or any of the abutting properties?
- SALEM 1-38 There is an elementary school located near your facility. What impact will this construction have on the adjacent school? What impact will the facility have post construction on the adjacent school?
- SALEM 1-39 Is there any blasting that will be necessary during the construction of the facility?
- SALEM 1-40 Are there any piles that are required to be driven as part of this project? If so, what is the noise impact on the abutting school during the pile driving? What are the numbers of piles that are expected to be driven as part of the project?
- SALEM 1-41 How many employees are expected to work at the site following completion of the construction? What is the traffic impact to the area from these additional employees?
- SALEM 1-42 Beyond the assertion that NEP and US Gen New England are in contact regarding the construction schedules, how specifically will this project be coordinated with the construction project at US Gen New England's facility located on the same site?
- SALEM 1-43 How much land area does the current easement cover on the site? Will the easement be expanded with the construction of this project? What percentage of the total area of the site does the easement cover?
- SALEM 1-44 It appears that the Main Gate of Salem Harbor Station is within your easement area. If Salem Harbor retires and that site is redeveloped, how do you propose your facility would access the site from Fort Avenue?
- SALEM 1-45 In the event that the enlarged Switchyard facility were to fail, please describe the impact that failure would have to the City of Salem. In your response, please address at least the following four items specifically: (1) Do these facilities ever fail catastrophically? (2) Is there fire when a failure occurs? (3) Is the smoke toxic? Are other hazardous materials released? (4) Is there potential for dangerous projectiles from a failure?
- SALEM 1-46 The above ground lines running to the Switchyard site run through residential neighborhoods in the City of Salem. Please provide all data and studies of the EMF impact on residents in close proximity to those lines. In addition, please provide all data and studies on the impact of EMF on the residents of the area once this project is completed. Finally, your response to DTE Information Request 1-12 references

potential “345 projects” in the future; please provide all data and studies you have on the EMF impact of a 345kV line being brought to the Switchyard.

- SALEM 1-47 In your response to DTE Information Request 1-12 you references potential “345 projects” in the future. What are these projects? What stages of planning are each of these “345 projects” in? When do you anticipate these projects being constructed? In your response, please provide any NEP or ISO study that suggests a need for these projects.
- SALEM 1-48 For how long will the Switchyard facilities be sized correctly after these additional 115kV capacitor banks are installed? Will load growth necessitate more banks to be added in the future? If so, when do you anticipate this additional need. Please provide any NEP or ISO study to support your response.
- SALEM 1-49 In the unlikely event that Salem Harbor Station were to retire, where will the replacement megawatts of power currently provided by the station come from to support demand and reliability on the North Shore? In the Boston Import Area? For downtown Boston?
- SALEM 1-50 Should Salem Harbor Station retire, do you anticipate any changes to NEP’s facility at this site will be needed? Please describe these in detail and provide estimated timeline of the need for these additional improvements.
- SALEM 1-51 Should Salem Harbor Station retire, the city would like to redevelop the site to its maximum potential given the enormous loss of revenue. Can the switchyard facility and 115kV capacitor banks be removed from the site?
- SALEM 1-52 Please describe what discussions you have had with City officials regarding the Capacitor Bank project’s expansion will have on potential redevelopment of the site in the event Salem Harbor Station retires?
- SALEM 1-53 Should Salem Harbor Station retire, does the switchyard facility meet the requirements of a designated port area (DPA)? If so, please explain.
- SALEM 1-54 Have you reviewed the site plan review decision dated December 18, 2003 regarding USGen New England’s Emission Control Plan? Will you accept the same conditions as those that were placed upon the US Gen New England’s project under the local Planning Board Site Plan Review? If not, why not?
- SALEM 1-55 The City of Salem negotiated a permitting process with US Gen New England, which all parties agreed that US Gen New England would seek zoning relief from the DTE, while submitting to site plan review by the city of Salem. The City of Salem specifically requested that you follow this same procedure for your project. In your letter of January 19, 2004 (Exhibit 1 in your answer to the City’s motion to intervene) you rejected this approach and decided to seek DTE exemption of local permitting, because of “the project’s impact on the area’s reliability and the opportunity for accelerated regulatory review.” However, the city’s review of the US Gen New England’s far larger and more complicated proposal was completed and a

favorable decision granted in less than four (4) months, while DTE continue to review that matter. In addition, NEP recently requested zoning relief from Salem's zoning Board of Appeals (ZBA) on an unrelated Automation Project at the same site, which was granted after just one meeting and a total of 10 minutes of presentation, comment and deliberation. Considering that, why do you believe that seeking local zoning relief and site plan review approval could not be done in a reasonable time frame? Why do you believe you must instead exempt yourself from local permitting processes?

Respectfully submitted,

CITY OF SALEM, MASSACHUSETTS

By its attorney,

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Dated: March 26, 2004